

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0620-IWD-E **TCEQ ID:** RN103896387 **CASE NO.:** 35734
RESPONDENT NAME: Safety-Kleen Systems, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Denton Recycle Center, located at 1722 Cooper Creek Road, 0.5 mile north of State Highway 380 on Cooper Creek Road, Denton County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ☐ Yes ☒ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on August 18, 2008. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Robert L. Sorensen, Facility Manager, Safety-Kleen Systems, Inc, 1722 Cooper Creek Road, Denton, Texas 76208
 Mr. Frederick J. Florjancic, Jr., President/CEO, Safety-Kleen Systems, Inc., 1722 Cooper Creek Road, Denton, Texas 76208
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: March 3, 2008</p> <p>Date of NOE Relating to this Case: March 27, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limitations for chemical oxygen demand and total organic carbon [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004336000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Number 001a, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failure to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the values for total organic carbon daily average concentration and daily maximum concentration for the monitoring periods ending December 31, 2006 and November 30, 2007 [30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0004336000, Monitoring and Reporting Requirements No. 1 for Outfall Number 001a].</p>	<p>Total Assessed: \$4,070</p> <p>Total Deferred: \$814 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,256</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that on April 7, 2008, the Respondent submitted the values for total organic carbon daily average concentration and daily maximum concentration for the monitoring periods ending December 31, 2006 and November 30, 2007.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0004336000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): WQ0004336000



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

TCEQ

DATES	Assigned	31-Mar-2008	Screening	15-Apr-2008	EPA Due	
	PCW	15-Apr-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Safety-Kleen Systems, Inc.		
Reg. Ent. Ref. No.	RN103896387		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35734	No. of Violations	2
Docket No.	2008-0620-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lauren Smitherman
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$2,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **90% Enhancement** **Subtotals 2, 3, & 7** **\$1,980**

Notes The penalty is enhanced due to 13 self-reported monthly effluent violations, one NOV with a same or similar violation, and one 1660 agreed enforcement order.

Culpability **No** **0% Enhancement** **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0% Reduction** **Subtotal 5** **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$1,113** **0% Enhancement*** **Subtotal 6** **\$0**
Approx. Cost of Compliance **\$10,050** ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$4,180**

OTHER FACTORS AS JUSTICE MAY REQUIRE **-3%** **Adjustment** **-\$110**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommend reduction in the penalty amount to prevent a double-enhancement of same violations that were not self-reported.

Final Penalty Amount **\$4,070**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$4,070**

DEFERRAL **20%** **Reduction** **Adjustment** **-\$814**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$3,256**

Screening Date 15-Apr-2008

Docket No. 2008-0620-IWD-E

PCW

Respondent Safety-Kleen Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35734

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN103896387

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to 13 self-reported monthly effluent violations, one NOV with a same or similar violation, and one 1660 agreed enforcement order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 90%

Screening Date 15-Apr-2008

Docket No. 2008-0620-IWD-E

PCW

Respondent Safety-Kleen Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35734

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN103896387

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004336000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Number 001a

Violation Description

Failed to comply with the permitted effluent limitations, as shown in the attached violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

91 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,110

Violation Final Penalty Total \$3,700

This violation Final Assessed Penalty (adjusted for limits) \$3,700

Economic Benefit Worksheet**Respondent** Safety-Kleen Systems, Inc.**Case ID No.** 35734**Reg. Ent. Reference No.** RN103896387**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	1-Jun-2007	31-Dec-2008	1.6	\$53	\$1,058	\$1,110
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to perform an engineering survey to determine the cause of non-compliance. The date required is the first month of non-compliance. The final date is the expected date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$10,000

TOTAL

\$1,110

Screening Date 15-Apr-2008

Docket No. 2008-0620-IWD-E

PCW

Respondent Safety-Kleen Systems, Inc.

Policy Revision 2 (September 2002)

Case ID No. 35734

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN103896387

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0004336000, Monitoring and Reporting Requirements No. 1 for Outfall Number 001a

Violation Description

Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the values for total organic carbon daily average concentration and daily maximum concentration for the monitoring periods ending December 31, 2006 and November 30, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70% of the permit requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

451 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended for the monitoring periods ending December 31, 2006 and November 30, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$370

This violation Final Assessed Penalty (adjusted for limits) \$370

Economic Benefit Worksheet**Respondent** Safety-Kleen Systems, Inc.**Case ID No.** 35734**Reg. Ent. Reference No.** RN103896387**Media** Water Quality**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction			0.0	\$0	\$0	\$0
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)	\$50	20-Jan-2007	7-Apr-2008	1.2	\$3	\$3

Notes for DELAYED costs

Estimated costs to prepare and submit two complete discharge monitoring reports ("DMRs"). Date required is the date the first complete DMR was due. Final date is the date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$50

TOTAL

\$3

EFFLUENT VIOLATION TABLE**Denton Recycle Center****TPDES Permit No. WQ0004336000****Docket No. 2008-0620-IWD-E**

	COD Daily Max. Conc.	Total Organic Carbon Daily Max. Conc.
Months	Limit = 200 mg/L	Limit = 75 mg/L
6/30/2007	216.5	104.9
9/30/2007	218.9	120.3
10/31/2007	300.5	140.0

COD = chemical oxygen demand conc. = concentration
mg/L = milligrams per liter max. = maximum

Compliance History

Customer/Respondent/Owner-Operator:	CN600128128	Safety-Kleen Systems, Inc.	Classification: AVERAGE	Rating: 2.27
Regulated Entity:	RN103896387	DENTON RECYCLE CENTER	Classification: AVERAGE	Site Rating: 2.62
ID Number(s):	WASTEWATER	PERMIT	WQ0004336000	
	WASTEWATER	EPA ID	TX0124052	
	WASTEWATER	PERMIT	TPDES0124052	
	WASTEWATER	PERMIT	TX0124052	
Location:	1722 COOPER CREEK RD, 0.5 M N OF STATE HWY 380 ON COOPER CREEK RD IN DENTON CO, TX			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	April 07, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 07, 2003 to April 07, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Lauren Smitherman	Phone:	512-239-5223	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period?
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 01/26/2006 ADMINORDER 2005-0636-MWD-E
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Self-reporting Requirements PERMIT

Description: Failure to submit monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|---|------------|----------|
| 1 | 11/20/2003 | (328801) |
| 2 | 12/12/2003 | (328802) |
| 3 | 01/15/2004 | (328803) |
| 4 | 02/23/2004 | (328797) |
| 5 | 03/17/2004 | (328799) |
| 6 | 03/22/2004 | (328798) |
| 7 | 05/17/2004 | (367935) |

8	05/28/2004	(367936)
9	06/18/2004	(328800)
10	08/16/2004	(367939)
11	08/19/2004	(367937)
12	09/22/2004	(367938)
13	11/24/2004	(390553)
14	12/13/2004	(390555)
15	12/23/2004	(390554)
16	02/18/2005	(447997)
17	02/23/2005	(349277)
18	03/16/2005	(390551)
19	03/28/2005	(390552)
20	05/12/2005	(447998)
21	06/16/2005	(447999)
22	07/11/2005	(448000)
23	08/05/2005	(448003)
24	08/19/2005	(448001)
25	09/13/2005	(448002)
26	11/18/2005	(493461)
27	11/21/2005	(493459)
28	12/19/2005	(493460)
29	02/21/2006	(493456)
30	02/21/2006	(493458)
31	03/20/2006	(493457)
32	05/22/2006	(506783)
33	05/22/2006	(506785)
34	06/06/2006	(506784)
35	08/03/2006	(528920)
36	09/20/2006	(528921)
37	10/02/2006	(552064)
38	11/02/2006	(552067)
39	11/06/2006	(552065)
40	12/21/2006	(552066)
41	02/15/2007	(589505)
42	03/19/2007	(589506)
43	04/09/2007	(541929)
44	04/20/2007	(589507)
45	05/04/2007	(589509)
46	05/18/2007	(589508)
47	08/09/2007	(605904)
48	08/15/2007	(605902)
49	09/13/2007	(605903)
50	11/19/2007	(632866)
51	12/19/2007	(632867)
52	03/27/2008	(637795)
53	03/31/2008	(564795)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date	01/31/2004	(328797)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2004	(328799)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2004	(367935)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			

Date	05/31/2004	(328800)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/31/2004	(390555)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	02/28/2005	(390551)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2005	(390552)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2005	(448001)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	03/31/2006	(493458)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2006	(506783)		
Self Report?	YES		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/09/2007	(541929)		
Self Report?	NO		Classificati	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with the self-monitored effluent limitations for Chemical Oxygen Demand (COD).			
Date	06/30/2007	(589509)		
Self Report?	YES		Classificati	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	09/30/2007	(605904)		
Self Report?	YES		Classificati	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	10/31/2007	(632866)		
Self Report?	YES		Classificati	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAFETY-KLEEN SYSTEMS, INC.
RN103896387

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0620-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Safety-Kleen Systems, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant at an industrial and hazardous waste treatment and storage facility located at 1722 Cooper Creek Road, 0.5 mile north of State Highway 380 on Cooper Creek Road, Denton County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 1, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Seventy Dollars (\$4,070) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The

Respondent has paid Three Thousand Two Hundred Fifty-Six Dollars (\$3,256) of the administrative penalty and Eight Hundred Fourteen Dollars (\$814) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on April 7, 2008, the Respondent submitted the values for total organic carbon daily average concentration and daily maximum concentration for the monitoring periods ending December 31, 2006 and November 30, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004336000, Effluent Limitations and Monitoring Requirements No. 1 for Outfall Number 001a, as documented during a record review conducted on March 3, 2008 and shown in the following violation table:

EFFLUENT VIOLATION TABLE		
	COD Daily Max. Conc.	Total Organic Carbon Daily Max. Conc.
Months	Limit = 200 mg/L	Limit = 75 mg/L
6/30/2007	216.5	104.9
9/30/2007	218.9	120.3
10/31/2007	300.5	140.0
COD = chemical oxygen demand mg/L = milligrams per liter		Conc. = concentration Max. = maximum

2. Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the values for total organic carbon daily average concentration and daily maximum concentration for the monitoring periods ending December 31, 2006 and November 30, 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 319.7(d) and TPDES Permit No. WQ0004336000, Monitoring and Reporting Requirements No. 1 for Outfall Number 001a, as documented during a record review conducted on March 3, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Safety-Kleen Systems, Inc., Docket No. 2008-0620-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0004336000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

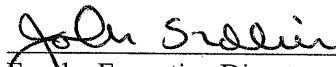
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director


7/30/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

6-2-08
Date

Robert L Sorensen

Name (Printed or typed)
Authorized Representative of
Safety-Kleen Systems, Inc.

Facility Manager

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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